

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

IN RE:

RICHARD WILLIS KING
Debtor

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§
§
§
§
§

CASE NO. 05-56485-lmc

U.S. BANKRUPTCY COURT
BY _____ DEPUTY

CHAPTER 7

**MOTION OF FACTAC, INC. FOR RELIEF FROM STAY WITH TEN (10) DAY
LANGUAGE**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR
INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TEN (10) DAYS FROM THE DATE OF
SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A
HEARING BEING HELD.**

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE JUDGE:

NOW COMES FACTAC, INC. Movant herein and a party in interest to these proceedings, and shows the following:

I.

FACTAC, INC. is a Creditor of Debtor, Richard Willis King as a result of a Judgment it obtained of and against Richard Willis King on August 11, 2002.

II.

FACTAC, INC. filed a suit against Richard King, *Cause No. 272360, Styled Factac, Inc. v. Richard King, in the County Court of Law No. 8, Bexar County, Texas* on February 5, 2002. This State Court case was tried before a jury before the Honorable Karen Crouch. A jury entered a verdict in favor of Factac and the Court adopted that verdict and rendered judgment which in all things is

final. Attached hereto and marked as Exhibit "1" is a true and correct copy of the Judgment that was entered.

Richard King was found to have committed theft, fraud and violated the Texas Theft Liability Act. His acts were found to be intentional so that exemplary damages were imposed. Richard King has not returned any of the monies which he took by deception and fraud as found by the jury.

III

An automatic stay took effect on the filing of the Petition in Bankruptcy on October 7, 2005 prohibiting attempts to collect on the monies Debtor was Ordered to pay as a result of jury verdict finding Debtor of theft, fraud, violation of the Texas Theft Liability Act, and including exemplary damages, attorney's fees and costs of Court. Creditor Factac asserts that the debt is not dischargeable pursuant to 11 U.S.C. §523 et seq. in particular § 523 (4),(6).

IV.

The real property records of Bexar County Texas and the tax appraisal records of Bexar County Texas show that Richard Willis King is the owner is a piece of property known as 7515 Potranco Road, San Antonio, Bexar County, Texas. See Exhibit "2". This property was not listed in his Schedules. FACTAC, INC. has abstracted its Judgment against this piece of property and requests that the Stay be lifted so it may foreclose on this piece of property.

V.

Movant is entitled from the operation of such stay for the following reasons:

- a. The Debt is not dischargeable pursuant to 11 U.S.C. §523 et seq. in particular § 523 (4),(6).

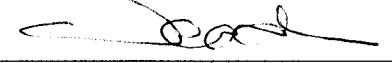
- b. The relief of stay would allow Creditor to foreclose on real property, the subject matter of the underlying lawsuit and Order obtained by the Creditor, property which Debtor intentionally failed to disclose on Schedules submitted in his bankruptcy.
- c. Continuation of the stay under 11U.S.C.§362(a) and failure to allow this party in interest to pursue collection for payment of damages ordered by Bexar County Court of and against the Debtor will work real and irreparable harm to this Movant and prevent it from due compensation.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this matter be set for hearing for an Order terminating the automatic stay and allowing the Movant to continue to proceed with a foreclosure on real property not listed in the Schedules in order to obtain payment of damages ordered by the Court in *Cause No. 272360, Styled Factac, Inc. V. Richard King, in the County Court of Law No. 8, Bexar County, Texas*, and for such other and further relief as is just.

Respectfully submitted,

Law Offices of Glenn J. Deadman, P.C.

509 South Main Avenue
San Antonio, Texas 78204
Telephone: (210) 472-3900
Facsimile: (210) 472-3901

By: 

Glenn J. Deadman
State Bar No.: 00785559
Attorneys for Movant

CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of December, 2005 a true and correct copy of the above and foregoing Motion of FACTAC, INC For Relief from Stay was sent by ✓ US mail, return receipt requested , _____ facsimile, _____ hand delivery to the following:

Mr. John Patrick Lowe
Trustee
318 E. Nopal
Uvalde, TX 78801

Mr. J. Todd Malaise
Attorney at Law
511 West French Place
San Antonio, Texas 78212

Sylvia Romo, CPA
Bexar County Tax Assessor-Collector
P.O. Box 839950
San Antonio, TX 78232

Washington Mutual Home Loans
P.O. Box 830004
Baltimore, MD 21283

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

American Express
P.O. Box 297804
Ft. Lauderdale, FL 33329-7804

Capital One
P.O. Box 85015
Richmond, VA 23285-5015

Chevron
P.O. Box 5010
Concord, CA 94524

Citibank
c/o United Recovery Systems
5800 North Course Dr.
Houston, TX 77072

Factac, Inc.
c/o Glenn J. Deadman, P.C.
509 S. Main Ave.
San Antonio, TX 78204

Firstmark
P.O. Box 701650
San Antonio, TX 78270

Firstmark Credit Union
P.O. Box 30495
Tampa, FL 33630

MBNA
P.O. Box 15026
Wilmington, DE 19886

McMullen Bank
9324 Huebner Rd 1
San Antonio, TX 78240

Security Service Federal Credit Union
16211 La Cantera Parkway
San Antonio, TX 78256

Southwest Texas Methodist
NCO Financial
P.O. Box 13564
Philadelphia, PA 19101

Attorney General of the United States
Main Justice Bldg #5111
10th & Constitution Ave NW
Washington, DC 20530

US Attorney's Office
601 NW Loop 410, Ste 600
San Antonio, TX 78216


Glenn J. Deadman

E X H I B I T "1"


CAUSE NO. 272360

FACTAC, INC.
Plaintiff

§
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 §
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 §
 §

VS.

RICHARD KING
Defendant

IN THE COUNTY COURT
AT LAW NO.: 8
BEXAR COUNTY, TEXAS

JUDGMENT

On the 31st day of March, 2003, came on to be heard the above entitled and numbered cause.

Plaintiff FACTAC, INC. appeared in person and by attorney and announced ready for trial.

Defendant RICHARD KING appeared in person and by attorney and announced ready for trial.

After a proper demand, a jury consisting of six (6) qualified jurors was duly impaneled and the case proceeded to trial. Prior to submission, the Court noted that Plaintiff had objections to the charge, but held that particularization of the objections was not necessary and would not be allowed. At the conclusion of the evidence, the Court submitted the questions of fact to the jury. The Charge of the Court and the verdict of the jury are incorporated by reference for all purposes.

The jury returned its verdict finding that Plaintiff agreed to lend Defendant money and was entitled to damages for \$50,000.00 under Question number 1, that Plaintiff complied with its obligations under the agreement under Question number 4, that Defendant failed to comply with the agreement in Question number 5, that Plaintiff was entitled to damages of \$22,488.00 under Question number 6, that Defendant procured the agreement to advance money through fraud under Question number 7, that Plaintiff was entitled to damages of \$22,858.00 under Question number 8, that Defendant made a negligent representation on which Plaintiff relied in Question number 9, that Plaintiff was entitled to damages of \$22,858.00 under Question number 10, that Defendant committed theft under Question number 11, that harm resulted to Plaintiff from malice or fraud

JUL 6 52 PAGE 171

111-012-82

JUL 6 52 AM 172

under Question number 12, that exemplary damages of \$8,500.00 should be assessed against Richard King under Question number 13, that Plaintiff lent \$24,000.00 to Defendant under Question number 14, that Plaintiff complied with the terms and conditions of the agreement in Question number 17, that Defendant failed to comply with the agreement found in Question number 14 in Question number 18, that Plaintiff was entitled to damages of \$24,660.00 in Question number 19, that Plaintiff was entitled to attorney's fees of \$19,300.00 in the trial court, \$11,000.00 if an appeal is filed and \$5,000 if a response to a Petition for Review to the Supreme Court is filed in Question number 20.

IT IS ORDERED that Plaintiff FACTAC, INC. have and recover from Defendant RICHARD KING damages in the sum of ~~EIGHTY ONE THOUSAND THREE HUNDRED AND FIFTY EIGHT~~ ^{Eighty one - PAC four - PAC eight - CR} and NO/100th DOLLARS (\$54,418.00), plus pre-judgment interest in the amount of \$13,953.19, plus interest at the statutory rate of ten percent (10%) from the date this judgment is signed until such time as the judgment is paid.

IT IS FURTHER ORDERED that Plaintiff FACTAC, INC. have and recover from Defendant RICHARD KING damages for attorney's fees in the sum of NINETEEN THOUSAND THREE HUNDRED and NO/100th DOLLARS (\$19,300.00), plus interest at the statutory rate of ten percent (10%) from the date this judgment is signed until such time as the judgment is paid.

IT IS FURTHER ORDERED that Plaintiff FACTAC, INC. have and recover from Defendant RICHARD KING additional damages for attorney's fees in the sum of ELEVEN THOUSAND and NO/100th DOLLARS (\$11,000.00), plus interest at the statutory rate of ten percent (10%) from the date this judgment is signed until such time as the judgment is paid, in the event that a Notice of Appeal is filed.

IT IS FURTHER ORDERED that Plaintiff FACTAC, INC. have and recover from Defendant RICHARD KING additional damages for attorney's fees in the sum of FIVE THOUSAND and NO/100th DOLLARS (\$5,000.00) if a response to a Petition for Review to the Supreme Court is

filed by Plaintiff, plus interest at the statutory rate often percent (10%) for the date this judgment is signed until such time as the judgment is paid.

All costs of court spent or incurred in this cause are adjudged against Defendant RICHARD KING. All writs and processes for the enforcement and collection of this judgment or the costs of court may issue as necessary.

All relief requested in this case and not expressly granted in this judgment is denied. This judgment finally disposed of all parties and claims and is appealable.

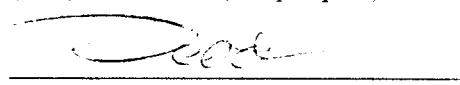
SIGNED on this the 11 day of Sept., 2003:



THE HONORABLE KAREN CROUCH
JUDGE PRESIDING

Approved as to form:

Glenn J. Deadman, P.C.
509 South Main Avenue
San Antonio, Texas 78204
(210) 472-3900
(210) 472-3901 (telecopier)



GLENN J. DEADMAN
State Bar No. 00785559
Attorney for Plaintiff FACTAC, INC.

Charles K. Tabet
1919 San Pedro
San Antonio, Texas 78212
(210) 735-9911
(210) 735-1362 (telecopier)

CHARLES K. TABET
State Bar No. 19601550
Attorney for Defendant RICHARD KING

E X H I B I T "2"

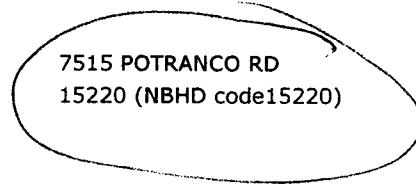
Bexar CAD - 2005

Prop ID: 696215 Owner: KING RICHARD WILLIS Legal: NCB 18285 BLK 1 LOT 25 RICHARD KING SUB'D

(Property) (Improvements) (Land) (Roll History) (Deed History) (Summary)

Name, Address and Property Information

Owner ID	543728	Property ID	696215 (Real) Geo ID 18285-001-0250
Name & Address		NCB 18285 BLK 1 LOT 25 RICHARD KING SUB'D	
% Ownership	100%	Situs	7515 POTRANCO RD
Exemptions	n/a	Neighborhood	15220 (NBHD code15220)
Map ID	Show Map	Agent Code	
Mapsco	613E1		



Property Value and Taxing Jurisdiction Information

Property Values

(+) Improvement Homesite Value:	+	\$0
(+) Improvement Non-Homesite Value:	+	\$0
(+) Land Homesite Value:	+	\$0
(+) Land Non-Homesite Value:	+	\$100,000 Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0 \$0
(+) Timber Market Valuation:	+	\$0 \$0

(=) Market Value:	=	\$100,000
(-) Ag or Timber Use Value Reduction:	-	\$0

(=) Appraised Value:	=	\$100,000
(-) HS Cap:	-	\$0

(=) Assessed Value:	=	\$100,000

Owner	Percent Ownership	Total Value
KING RICHARD WILLIS	100 %	\$100,000

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06 BEXAR CO RD & FLOOD	0.012719	\$100,000	\$100,000	\$12.72
08 SA RIVER AUTH	0.016425	\$100,000	\$100,000	\$16.43
09 ALAMO COM COLLEGE	0.107050	\$100,000	\$100,000	\$107.05
10 UNIV HEALTH SYSTEM	0.243869	\$100,000	\$100,000	\$243.87
11 BEXAR COUNTY	0.318471	\$100,000	\$100,000	\$318.47
21 CITY OF SAN ANTONIO	0.578540	\$100,000	\$100,000	\$578.54
56 NORTHSIDE ISD	1.775000	\$100,000	\$100,000	\$1,775.00

Total Tax Rate: 3.052074

Taxes w/Current Exemptions:	\$3,052.07
Taxes w/o Exemptions:	\$3,052.07

Improvement / Building Information

No Improvements Found

Land Information

ID	Type	Description	Acres	SqFt	Eff Front	Eff Depth	Market Value	Prod. Value
1	CSS	Commercial Store Site	1.052	45825.12	'	'	\$100,000	\$0

Roll Value History Information

Year	Imprv	Land Market	AG Valuation	Appraised	HS Cap	Assessed
2006	n/a	n/a	n/a	n/a	n/a	n/a
2005	\$0	\$100,000	\$0	\$100,000	\$0	\$100,000
2004	\$0	\$100,000	\$0	\$100,000	\$0	\$100,000
2003	\$0	\$100,000	\$0	\$100,000	\$0	\$100,000
2002	\$0	\$100,000	\$0	\$100,000	\$0	\$100,000
2001	\$0	\$192,700	\$0	\$192,700	\$0	\$192,700

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type Description	Grantor	Grantee	Volume	Page
0 -	4/25/2000	Deed Deed		KING, RICHARD WILLIS	8402	1382

[\[Property\]](#) [\[Improvements\]](#) [\[Land\]](#) [\[Roll History\]](#) [\[Deed History\]](#) [\[Summary\]](#) [\[Search\]](#) [\[Home\]](#)

2005 data current as of Dec 7 2005 3:35AM.

2004 and prior year data current as of Nov 11 2005 12:00AM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

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System Requirements: Microsoft Internet Explorer 6.0 Or Higher. Sketches Require Microsoft Java Virtual Machine Enabled.